

House Engrossed

State of Arizona
House of Representatives
Forty-sixth Legislature
First Special Session
2003

CHAPTER 2

HOUSE BILL 2002

AN ACT

AMENDING TITLE 13, CHAPTER 31, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-3114; AMENDING SECTIONS 15-2021, 36-1947 AND 46-803, ARIZONA REVISED STATUTES; AMENDING LAWS 2001, CHAPTER 234, SECTION 4; AMENDING LAWS 2002, CHAPTER 321, SECTION 18; REPEALING LAWS 2002, CHAPTER 328, SECTION 18; AMENDING LAWS 2002, CHAPTER 329, SECTION 30; AMENDING LAWS 2002, CHAPTER 330, SECTION 43; MAKING APPROPRIATIONS AND TRANSFERS OF MONIES; RELATING TO PUBLIC FINANCES STATE BUDGET RECONCILIATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 13, chapter 31, Arizona Revised Statutes, is amended
3 by adding section 13-3114, to read:

4 13-3114. Firearms clearance center; definition

5 A. THE DEPARTMENT OF PUBLIC SAFETY SHALL ESTABLISH AN INSTANT
6 BACKGROUND CHECK SYSTEM. THE DEPARTMENT SHALL CONDUCT BACKGROUND CHECKS TO
7 DETERMINE WHETHER PURCHASES, SALES OR TRANSFERS OF FIREARMS TO ANY PERSON
8 VIOLATE ANY FEDERAL LAW OR ANY LAW OF THIS STATE PROHIBITING THE POSSESSION
9 OF FIREARMS.

10 B. THE INSTANT BACKGROUND CHECK SYSTEM SHALL BE KNOWN AS THE ARIZONA
11 FIREARMS CLEARANCE CENTER. THE FIREARMS CLEARANCE CENTER SHALL ESTABLISH
12 PROCEDURES FOR PROVIDING INFORMATION TO LICENSED FIREARMS DEALERS REGARDING
13 WHETHER A PURCHASER OR TRANSFEREE IS A FELON, IS A FUGITIVE FROM JUSTICE OR
14 IS DISQUALIFIED FROM LAWFULLY POSSESSING A FIREARM BY ANY FEDERAL LAW OR LAW
15 OF THIS STATE.

16 C. THE FIREARMS CLEARANCE CENTER MAY ADOPT RULES ESTABLISHING AN
17 APPEALS PROCESS TO ALLOW ANY PERSON WHO IS DENIED THE SALE OR TRANSFER OF A
18 FIREARM TO DETERMINE THE BASIS FOR THE DENIAL OF ANY SALE OR TRANSFER OF A
19 FIREARM BASED ON INFORMATION PROVIDED BY THE FIREARMS CLEARANCE CENTER. THE
20 ONLY RELIEF TO WHICH THE PERSON IS ENTITLED IS THE CORRECTION OF INFORMATION
21 REASONABLY RELIED ON BY THE FIREARMS CLEARANCE CENTER.

22 D. TO THE EXTENT PERMITTED BY FEDERAL LAW OR THE LAWS OF THIS STATE
23 GOVERNING CRIMINAL HISTORY RECORDS INFORMATION, THE DIRECTOR OF THE
24 DEPARTMENT OF PUBLIC SAFETY MAY ESTABLISH A PROCEDURE FOR CONTRACTING WITH
25 PRIVATE SECTOR ENTERPRISES TO CONDUCT INSTANT BACKGROUND CHECKS.

26 E. THIS SECTION DOES NOT APPLY TO PRIVATE FIREARM SALES OR TRANSFERS
27 THAT ARE NOT SUBJECT TO ANY FEDERAL LAW OR ANY OTHER LAW OF THIS STATE.

28 F. FOR THE PURPOSES OF THIS SECTION, "FIREARM" HAS THE SAME MEANING
29 PRESCRIBED IN 18 UNITED STATES CODE SECTION 921.

30 Sec. 2. Section 15-2021, Arizona Revised Statutes, is amended to read:

31 15-2021. Deficiencies correction fund

32 A. A deficiencies correction fund is established consisting of monies
33 appropriated by the legislature and monies credited to the fund pursuant to
34 section 42-5030.01. The school facilities board shall administer the fund
35 and distribute monies to school districts and pay contractors for the purpose
36 of correcting existing deficiencies. Monies in the fund are continuously
37 appropriated and are exempt from the provisions of section 35-190 relating
38 to lapsing of appropriations.

39 B. School districts are eligible for monies from the deficiencies
40 correction fund for either of the following purposes:

41 1. To correct any square footage deficiency pursuant to section
42 15-2011. School districts shall submit a summary notice on a form prescribed
43 by the school facilities board that the school district believes it has a
44 square footage deficiency pursuant to section 15-2011, subsection C to the
45 school facilities board by December 1, 1998. If the school district exceeds

1 the standard by ten per cent or more, the school district may be required to
2 pay for the cost of an on-site space assessment by the school facilities
3 board. By June 30, 1999, the school facilities board shall assess all
4 alleged square footage deficiencies from the school district notices.

5 2. To correct quality deficiencies based on the district's inability
6 to comply with the minimum school facility adequacy requirements established
7 in and pursuant to section 15-2011. This state shall not correct quality
8 deficiencies pursuant to this paragraph for elective courses that require the
9 school district facilities to exceed building adequacy standards. School
10 districts shall submit a summary notice on a form prescribed by the school
11 facilities board that the school district has a quality deficiency need to
12 the school facilities board by August 1, 1999.

13 C. The school facilities board shall calculate the amount of
14 distribution for square footage deficiencies based on the square footage
15 prescribed in section 15-2011, subsection C and the cost per square foot
16 based on the amounts prescribed in section 15-2041, subsection D, paragraph
17 3, subdivision (c), adjusted as needed to bring the school district into
18 compliance with the minimum school facility adequacy requirements established
19 in and pursuant to section 15-2011.

20 D. The school facilities board may distribute monies for new
21 construction to a school district if the board determines after its
22 assessment that the new construction is more cost-effective than correcting
23 the deficiencies in the existing school building or buildings.

24 E. The school facilities board shall distribute monies from the
25 deficiencies correction fund to school districts and pay contractors for the
26 purpose of correcting existing deficiencies in an amount approved by the
27 board. The school facilities board shall review and award monies to correct
28 deficiencies pursuant to this section by June 30, 2001 and shall ensure that
29 school districts correct deficiencies pursuant to this section by June 30,
30 2003 2004. The school facilities board shall not distribute monies to school
31 districts from the deficiencies correction fund for projects that are
32 commenced after June 30, 2003 or THAT were approved by the school facilities
33 board after May 10, 2002.

34 F. School districts that receive monies from the deficiencies
35 correction fund shall establish a school district deficiencies correction
36 fund and shall use the monies in the school district deficiencies correction
37 fund only for the purposes prescribed in this section. Ending cash balances
38 in a school district's deficiencies correction fund may be used in following
39 fiscal years only for the purposes prescribed in this section. Each school
40 district that receives monies from the deficiencies correction fund shall
41 annually report the expenditures in the previous fiscal year to the school
42 facilities board by October 15 and provide an accounting of the monies
43 remaining in the deficiencies correction fund at the end of the previous
44 fiscal year. ~~The school facilities board shall submit a report to the~~
45 ~~legislature and the Arizona state library, archives and public records by~~

~~December 15, 1999 that includes a detailed cost estimate of the monies that will be needed to correct the existing deficiencies of all schools in this state by June 30, 2003. This state shall annually provide sufficient monies to the deficiencies correction fund established in this section in order to correct existing deficiencies of all schools in this state by June 30, 2003 2004.~~

G. A deficiency correction project awarded pursuant to this section may be combined with the deficiency correction projects of one or more additional school districts for purposes of procuring construction services and materials that are necessary to correct deficiencies if the school facilities board determines that combining the projects maximizes the purchasing value of the public monies of this state.

Sec. 3. Section 36-1947, Arizona Revised Statutes, is amended to read:
36-1947. Telecommunication devices for the deaf and the hearing and speech impaired; fund

A. The commission shall establish and administer a statewide program to purchase, repair and distribute telecommunication devices to residents of this state who are deaf or severely hearing or speech impaired and establish a dual party relay system making all phases of public telephone service available to persons who are deaf or severely hearing or speech impaired.

B. The commission may adopt administrative procedures, rules, criteria and forms to establish and administer the telecommunication device program under this section.

C. Telecommunication devices furnished by the commission under this section remain the property of this state. A person who receives a telecommunication device from the commission under this section is liable for the loss of or damage to the device. The commission may impose a civil penalty against the person in an amount equal to the cost of the device or the amount of damage done to the device. If a person objects to the imposition of a civil penalty, the commission shall conduct a hearing as prescribed in title 41, chapter 6, article 10. Monies collected by the commission under this subsection shall be deposited in the telecommunication fund for the deaf established by subsection D of this section.

D. The telecommunication fund for the deaf is established. The commission shall administer the fund. Monies in the fund shall be derived from the telecommunication services excise tax levied under section 42-5252, subsection A, paragraph 3-4. Interest accruing to the fund shall be deposited in the fund. Monies in the fund are exempt from section 35-190 relating to lapsing of appropriations. Subject to legislative appropriation, the commission shall use fund monies to purchase and repair telecommunication devices, and TO administer the program established by this section AND FOR THE OPERATING COSTS OF THE COMMISSION.

1 Sec. 4. Section 46-803, Arizona Revised Statutes, is amended to read:

2 46-803. Eligibility for child care assistance

3 A. The department shall provide child care assistance to eligible
4 families who are attempting to achieve independence from the cash assistance
5 program and who need child care assistance in support of and as specified in
6 their personal responsibility agreement pursuant to chapters 1 and 2 of this
7 title.

8 B. The department shall provide child care assistance to eligible
9 families who are transitioning off of cash assistance due to increased
10 earnings or child support income in order to accept or maintain employment.
11 Eligible families must request this assistance within six months after the
12 cash assistance case closure. Child care assistance may be provided for up
13 to twenty-four months after the case closure and shall cease whenever the
14 family income exceeds one hundred sixty-five per cent of the federal poverty
15 level.

16 C. The department shall provide child care assistance to eligible
17 families who are diverted from cash assistance pursuant to section 46-298 in
18 order to obtain or maintain employment. Child care assistance may be
19 provided for up to twenty-four months after the case closure and shall cease
20 whenever the family income exceeds one hundred sixty-five per cent of the
21 federal poverty level.

22 D. The department may provide child care assistance to support
23 eligible families with incomes of one hundred sixty-five per cent or less of
24 the federal poverty level to accept or maintain employment. Priority for
25 this child care assistance shall be given to families with incomes of one
26 hundred per cent or less of the federal poverty level.

27 E. The department may provide child care assistance to families
28 referred by child protective services and to children in foster care pursuant
29 to title 8, chapter 5 to support child protection.

30 F. The department may provide child care assistance to special
31 circumstance families whose incomes are one hundred sixty-five per cent or
32 less of the federal poverty level and who are unable to provide child care
33 for a portion of a twenty-four hour day due to a crisis situation of domestic
34 violence or homelessness, or a physical, mental, emotional or medical
35 condition, participation in a drug treatment or drug rehabilitation program
36 or court ordered community service. Priority for this child care assistance
37 shall be given to families with incomes of one hundred per cent or less of
38 the federal poverty level.

39 G. In lieu of the employment activity required in subsection B, C or
40 D of this section, the department may allow eligible families with teenaged
41 custodial parents under twenty years of age to complete a high school diploma
42 or its equivalent or engage in remedial education activities reasonably
43 related to employment goals.

1 H. The department may provide supplemental child care assistance for
2 department approved education and training activities if the eligible parent,
3 legal guardian or caretaker relative is working at least a monthly average
4 of twenty hours per week and this education and training are reasonably
5 related to employment goals. The eligible parent, legal guardian or
6 caretaker relative must demonstrate satisfactory progress in the education
7 or training activity.

8 I. BEGINNING MARCH 12, 2003, the department may SHALL establish
9 waiting lists for child care assistance and prioritize child care assistance
10 for different eligibility categories in order to manage within appropriated
11 and available monies.

12 J. The department shall establish criteria for denying, reducing or
13 terminating child care assistance that include:

14 1. Whether there is a parent, legal guardian or caretaker relative
15 available to care for the child.

16 2. Financial or programmatic eligibility changes or ineligibility.

17 3. Failure to cooperate with the requirements of the department to
18 determine or redetermine eligibility.

19 4. Hours of child care need that fall within the child's compulsory
20 academic school hours.

21 5. Reasonably accessible and available publicly funded early childhood
22 education programs.

23 6. Whether an otherwise eligible family has been sanctioned and cash
24 assistance has been terminated pursuant to chapter 2 of this title.

25 7. Other circumstances of a similar nature.

26 8. WHETHER SUFFICIENT MONIES EXIST FOR THE ASSISTANCE.

27 K. The department shall review each case at least once a year to
28 evaluate eligibility for child care assistance.

29 ~~L. Notwithstanding the provisions of child care assistance eligibility~~
30 ~~described in this section, by December 31, 1997, the department shall~~
31 ~~redetermine the eligibility of any family who is receiving child care~~
32 ~~assistance as of July 21, 1997 and whose eligibility for assistance may~~
33 ~~terminate by reason of the provisions of this chapter. The department shall~~
34 ~~terminate ineligible families from child care assistance by June 30, 1998.~~

35 L. NOTWITHSTANDING SECTION 35-173, MONIES APPROPRIATED FOR THE
36 PURPOSES OF THIS SECTION SHALL NOT BE USED FOR ANY OTHER PURPOSE WITHOUT THE
37 APPROVAL OF THE JOINT LEGISLATIVE BUDGET COMMITTEE.

38 Sec. 5. Laws 2001, chapter 234, section 4 is amended to read:

39 Sec. 4. Temporary assistance for needy families monies; use

40 Notwithstanding Laws 2000, chapter 382, section 5, the \$10,000,000
41 appropriation from the temporary assistance for needy families block grant
42 for fiscal year 2000-2001 may be expended from the joint substance abuse
43 treatment fund established by section 8-881, Arizona Revised Statutes, until
44 June 30, 2002 2003.

1 Sec. 6. Laws 2002, chapter 321, section 18 is amended to read:

2 Sec. 18. Settlement payments; Ladewig v. State

3 A. The legislature allocates ~~\$75,000,000~~ \$15,000,000 in fiscal year
4 2002-2003 for the purposes of covering the first year payments and costs
5 associated with the case of Ladewig v. State of Arizona. The department of
6 revenue shall draw all amounts necessary pursuant to the authority prescribed
7 in section 42-1117, Arizona Revised Statutes, for the payments and costs.

8 B. From this THE allocation MADE IN SUBSECTION A OF THIS SECTION, up
9 to \$15,000,000 may be used by the department of revenue for the purposes of
10 administration and review of payments. Additional administrative funding may
11 be required as part of future allocations. Before the expenditure of up to
12 \$15,000,000 for administrative expenses, the department of revenue shall
13 present an expenditure plan for joint legislative budget committee approval
14 that includes an estimate and scope of the entire administrative requirement
15 associated with disbursing payments and costs for this case.

16 C. FROM THE ALLOCATION MADE IN SUBSECTION A OF THIS SECTION, ANY
17 UNUSED AMOUNT FROM SUBSECTION B OF THIS SECTION SHALL BE HELD IN RESERVE FOR
18 FUTURE PAYMENTS RELATED TO THE CASE OF LADEWIG V. STATE OF ARIZONA.

19 Sec. 7. Repeal

20 Laws 2002, chapter 328, section 18 is repealed.

21 Sec. 8. Laws 2002, chapter 329, section 30 is amended to read:

22 Sec. 30. AHCCCS withdrawals; purposes; transfer

23 Notwithstanding any other law, for fiscal year 2002-2003, the Arizona
24 health care cost containment system administration shall withdraw, as
25 necessary, the sum of ~~\$97,689,300~~ \$123,188,100 from the medically needy
26 account of the tobacco tax and health care fund established by section
27 36-774, Arizona Revised Statutes, subject to the availability of monies in
28 the account for the following purposes and the withdrawals shall be made
29 before the withdrawals for those purposes prescribed in section 36-2921,
30 Arizona Revised Statutes:

31 1. \$10,000,000 for state matching monies for private hospital
32 reimbursement.

33 2. \$4,552,400 to provide coverage for an extended maternity length of
34 stay of no less than forty-eight hours after a normal delivery or ninety-six
35 hours after a caesarean section.

36 3. \$1,349,600 to fund the cost of HIV/AIDS drug treatment and the
37 medical costs associated with the administration and monitoring of the
38 treatment.

39 4. ~~\$31,445,300~~ \$43,543,900 for state matching monies for the Arizona
40 health care cost containment system acute care program.

41 5. \$5,000,000 to provide reinsurance for persons eligible for services
42 pursuant to section 36-2912, Arizona Revised Statutes.

43 6. \$500,000 for the purposes of expanding coverage under the Arizona
44 health care cost containment system and long-term care system for persons
45 with disabilities.

1 7. Up to ~~\$32,025,000~~ \$15,492,400 to be deposited in the children's
2 health insurance program fund established by section 36-2995, Arizona Revised
3 Statutes, for state matching monies for the children's health insurance
4 program. Before the withdrawal of these monies, the administration shall
5 expend any medically needy account monies remaining in the children's health
6 insurance program fund from prior year appropriations.

7 8. \$1,000,000 to be transferred to the department of health services
8 for AIDS medications provided through the Arizona drug assistance program.

9 9. \$10,790,000 to be transferred to the department of health services
10 for psychotropic medications for seriously mentally ill persons who are not
11 eligible for title XIX. Of this amount, up to \$2,000,000 may be used for
12 nonseriously mentally ill services to non-title XIX clients.

13 10. \$477,000 to be transferred to the department of health services for
14 the Arizona statewide immunization information system.

15 11. \$350,000 to be transferred to the department of health services for
16 hepatitis C disease surveillance.

17 12. \$200,000 to be transferred to the department of health services to
18 reimburse local health departments pursuant to section 36-189, Arizona
19 Revised Statutes.

20 13. \$24,932,800 FOR STATE MATCHING MONIES FOR THE ARIZONA HEALTH CARE
21 COST CONTAINMENT SYSTEM PROPOSITION 204 PROGRAM.

22 14. \$5,000,000 TO BE TRANSFERRED TO THE DEPARTMENT OF HEALTH SERVICES
23 STATE MATCHING MONIES FOR BEHAVIORAL HEALTH SERVICES FOR INDIVIDUALS ELIGIBLE
24 FOR TITLE XIX.

25 Sec. 9. Laws 2002, chapter 330, section 43 is amended to read:

26 Sec. 43. Delayed repeal

27 Section 15-2021, Arizona Revised Statutes, as amended by LAWS 2002,
28 CHAPTER 330, SECTION 37 AND this act, is repealed from and after June 30,
29 2004 2005.

30 Sec. 10. Deposit; state general fund; unclaimed property monies

31 Notwithstanding section 44-313, Arizona Revised Statutes, or any other
32 law, the first \$5,000,000 received in fiscal year 2002-2003 pursuant to title
33 44, chapter 3, Arizona Revised Statutes, relating to unclaimed property,
34 shall be deposited in the state general fund.

35 Sec. 11. Community college capital outlay state aid,
36 equalization aid and operating state aid
37 appropriations

38 Notwithstanding sections 15-1464, 15-1466 and 15-1468, Arizona Revised
39 Statutes, the fiscal year 2002-2003 appropriations for capital outlay state
40 aid, operating state aid and equalization aid shall be the amounts
41 appropriated in the general appropriations act and any amendments to the
42 general appropriation act for fiscal year 2002-2003.

43 Sec. 12. State hospital construction monies; use

44 Notwithstanding Laws 2000, chapter 1, as amended by Laws 2000, seventh
45 special session, chapter 1 and Laws 2001, second special session, chapter 3,

1 the Arizona department of administration shall not use any unexpended or
2 unencumbered monies remaining in the Arizona state hospital capital
3 construction fund for renovations or expansions at the Arizona state hospital
4 campus for the forensic population.

5 Sec. 13. Off-highway vehicle recreation fund; use for operation
6 of parks

7 Notwithstanding section 28-1176, Arizona Revised Statutes, the Arizona
8 state parks board may spend up to \$692,100 in fiscal year 2002-2003 for parks
9 board operating expenses from the off-highway vehicle recreation fund
10 established by section 28-1176, Arizona Revised Statutes.

11 Sec. 14. Department of water resources; operating expenses; use
12 of fund monies

13 A. Notwithstanding section 45-2425, Arizona Revised Statutes, the
14 department of water resources may expend up to \$1,115,900 from the Arizona
15 water banking fund for operating expenses in fiscal year 2002-2003.

16 B. Notwithstanding section 45-618, Arizona Revised Statutes, the
17 department of water resources may expend Arizona water quality fund monies
18 for operating expenses in fiscal year 2002-2003.

19 Sec. 15. Adult probation ratios; suspension

20 Notwithstanding section 12-251, subsection A and section 13-916,
21 subsection B, Arizona Revised Statutes, or any other law, adult probation
22 ratios are suspended for fiscal year 2002-2003.

23 Sec. 16. State highway fund; reimbursement; transfer

24 Notwithstanding any other law, the state highway fund shall reimburse
25 the state general fund in fiscal year 2002-2003 by transferring \$10,000,000
26 for highway patrol expenditures in fiscal year 2000-2001.

27 Sec. 17. Department of health services; revertment

28 Notwithstanding any other law, within thirty days after the effective
29 date of this act, the department of health services shall revert any monies
30 remaining unexpended or unencumbered as of March 7, 2003 from allocations or
31 appropriations from the medically needy account of the tobacco tax and health
32 care fund for fiscal year 2001-2002 or any previous fiscal year to the
33 medically needy account established by section 36-774, Arizona Revised
34 Statutes.

35 Sec. 18. Game and fish heritage fund; wild fires

36 Notwithstanding sections 17-297 and 17-298, Arizona Revised Statutes,
37 section 37-623.02, subsection A, Arizona Revised Statutes, and section
38 37-623.02, subsection D, paragraphs 1 and 2, Arizona Revised Statutes, or any
39 other law, for fiscal year 2002-2003 the authorizations for \$2,000,000 for
40 wildland fire suppression and other unplanned all risk emergencies and
41 \$1,000,000 for prepositioning of resources during periods of extreme fire
42 danger shall be from the game and fish commission heritage fund monies
43 related to habitat acquisition pursuant to section 17-298, subsection B,
44 Arizona Revised Statutes, and not the state general fund.

1 Sec. 19. Game and fish commission heritage fund; uses;
2 operating expenses

3 Notwithstanding sections 17-297 and 17-298, Arizona Revised Statutes,
4 or any other law, game and fish commission heritage fund monies related to
5 habitat acquisition pursuant to section 17-298, subsection B, Arizona Revised
6 Statutes, in amounts appropriated by the legislature may be used for
7 operating expenses of the Arizona state parks board and the state land
8 department in fiscal year 2002-2003.

9 Sec. 20. Sale of state properties; deposit of monies

10 A. The department of administration shall sell to the highest and best
11 bidder at a public auction held for that purpose the state properties located
12 at 3815 North Black Canyon. The sale shall include the buildings and
13 appurtenant land, personal property and other improvements required for the
14 operation of the properties, including any food service property. Unless
15 already undertaken by the department, all property is subject to two current
16 independent appraisals and an independent title search before the property
17 is offered for sale.

18 B. Sale of the properties shall begin as soon as possible after the
19 effective date of this act and shall be completed before July 1, 2003.

20 C. All proceeds of the sales shall be deposited, pursuant to sections
21 35-146 and 35-147, Arizona Revised Statutes, in the state general fund unless
22 the sale involves state trust land in which case the proceeds shall be
23 deposited in the applicable permanent land trust fund.

24 Sec. 21. Transfer of monies; state compensation fund;
25 reimbursement; transfer of assets

26 A. Within thirty days of the effective date of this act, the sum of
27 \$50,000,000 is transferred from the state compensation fund to the state
28 general fund and the transfer shall be reimbursed to the state compensation
29 fund by the transfer of state property assets pursuant to subsection B of
30 this section. Within five days of the effective date of this act, the
31 director of the department of administration shall make available a list of
32 assets for evaluation for purchase by the state compensation fund.

33 B. Notwithstanding section 37-803, Arizona Revised Statutes, or any
34 other law, the director of the department of administration shall enter into
35 an agreement with the state compensation fund to transfer ownership of state
36 properties under the director's jurisdiction with a value of \$50,000,000 as
37 reimbursement for the transfer of monies provided for in subsection A of this
38 section. For any amount of property value above \$50,000,000 that is
39 transferred pursuant to this subsection, an equal amount shall be transferred
40 from the state compensation fund to the state general fund.

41 C. The department of administration and the state compensation fund
42 shall negotiate agreements for continued use of the properties by state
43 agencies. Any negotiated rates for continued use shall not exceed the
44 comparable rates charged to state agencies for use of state owned property.
45 The state compensation fund may also contract with the department of

1 administration for continued operation and maintenance of the transferred
2 properties.

3 D. Before the execution of the agreements in subsections B and C of
4 this section, the agreement shall be submitted for review to the joint
5 committee on capital review.

6 E. Disposition by the state compensation fund of any assets
7 transferred pursuant to this section shall be done by mutual consent between
8 the department of administration and the state compensation fund. The
9 department of administration shall submit any proposal for disposition under
10 this subsection to the joint committee on capital review for its review.

11 F. The department of administration retains the option to reacquire
12 any properties transferred pursuant to subsection B of this section.

13 Sec. 22. School deficiencies correction; completion exemption

14 Notwithstanding section 15-2021, Arizona Revised Statutes, as amended
15 by this act, the Mesa unified school district, Glendale union school district
16 and Tucson unified school district shall have until June 30, 2005 to correct
17 existing deficiencies.

18 Sec. 23. School deficiencies correction; reimbursement;
19 conditions

20 A. Notwithstanding section 15-2021, Arizona Revised Statutes, as
21 amended by this act, a school district may transfer monies distributed to the
22 school district deficiencies correction fund to another school district fund
23 to reimburse that fund for monies used for projects to correct identified
24 deficiencies as described in section 15-2011, Arizona Revised Statutes, if,
25 prior to the school district expending any of its own monies to correct
26 deficiencies, the school facilities board:

27 1. Approved the identified deficiency correction projects pursuant to
28 section 15-2021, Arizona Revised Statutes.

29 2. Certified that the identified deficiency correction projects would
30 be delayed until after June 30, 2004.

31 3. Is provided by the school district, prior to the district spending
32 any of its own monies, an accounting of the monies to be spent from each
33 school district fund.

34 B. If monies are transferred into the unrestricted capital outlay fund
35 pursuant to subsection A of this section, the unrestricted capital budget
36 limit is increased by the amount of the monies transferred.

37 Sec. 24. Delayed repeal

38 Section 23 of this act, relating to school deficiencies correction
39 reimbursement and conditions, is repealed from and after June 30, 2005.

40 Sec. 25. Child care assistance; waiting list

41 Notwithstanding section 46-803, Arizona Revised Statutes, as amended
42 by this act, persons who are on the waiting list for child care assistance
43 shall not be eligible to receive assistance through June 30, 2003.

1 Sec. 26. Reappropriation; department of environmental quality

2 A. Notwithstanding any other law, all unexpended and unencumbered
3 monies remaining in the following appropriations are reappropriated for
4 fiscal year 2002-2003 operating costs of the department of environmental
5 quality:

6 1. Laws 1994, eighth special session, chapter 1, section 23 relating
7 to an environmental health reserve.

8 2. Laws 1995, first special session, chapter 1, section 8 relating to
9 an environmental health reserve.

10 3. Laws 1996, fifth special session, chapter 1, section 9 relating to
11 an environmental health reserve.

12 4. Laws 1998, chapter 217, section 39, subsection A relating to the
13 catalytic converter replacement program.

14 5. Laws 1998, chapter 217, section 39, subsection B relating to an
15 emissions banking and trading analysis.

16 B. Any unexpended and unencumbered monies remaining in the
17 appropriations listed in subsection A revert to the fund from which the
18 original appropriation was made at the end of fiscal year 2002-2003.

19 Sec. 27. Appropriation; deficiencies correction fund

20 The sum of \$100,000,000 is appropriated from the state general fund in
21 fiscal year 2004-2005 to the deficiencies correction fund.

22 Sec. 28. Emergency

23 This act is an emergency measure that is necessary to preserve the
24 public peace, health or safety and is operative immediately as provided by
25 law.

APPROVED BY THE GOVERNOR MARCH 28, 2003.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 28, 2003.

Passed the House March 17, 2003,

Passed the Senate March 17, 2003

by the following vote: 60 Ayes,

by the following vote: 28 Ayes,

0 Nays, 0 Not Voting
with emergency
Jake Flake
Speaker of the House

Norman L. Moore
Chief Clerk of the House

2 Nays, 0 Not Voting
with emergency
Klu Blumelt
President of the Senate

Charmine Billington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

17 day of March, 2003

at 4:12 o'clock P M.

Sandra Ramirez
Secretary to the Governor

Approved this 28 day of

March, 2003,

at 8⁰⁰ o'clock A M.

J. N. K.
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 28 day of March, 2003,

at 3:02 o'clock P M.

Janice K. Brewer
Secretary of State

First Special Session
H.B. 2002